

REMARKS

Entry of the foregoing amendments to the application is requested on the grounds that the claims, as amended, patentably distinguish over the cited art of record or, alternatively, place the application in better condition for appeal. The claims more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. No new issues have been added which would require further consideration and/or search, nor has any new matter been added. The claims, as amended, are believed to avoid the rejections applied in the Final Office Action for reasons set forth more fully below.

The Final Office Action of November 28, 2007 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 1-7, 10-16 and 19-20 remain in the application. Claims 9 and 18 are canceled herein. Reconsideration of the claims is respectfully requested.

Withdrawal of the 35 U.S.C. § 101 of claims 11-16, 18 and 19 is noted and appreciated.

Claims 1-8, 11-17, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonnell, et al. (U.S. Publication No. 2003/0208522) in view of Fuchs, et al. (U.S. Publication No. 2003/0139179), and further in view of Dutta, et al. (U.S. Publication No. 2002/0156921).

At the outset, claims 8 and 17 were previously canceled, however these claims were still listed in the 35 U.S.C. § 103(a) provided above. It is submitted that the rejection is still moot with respect to these claims. Also, claims 9 and 10 are not listed in the 35 U.S.C. § 103(a) rejection, however, these claims were discussed in the Final Office Action at pages 10-11 after the 35 U.S.C. § 103(a) rejection statement. It is submitted that the Examiner mistakenly listed the wrong set of claims in the 35 U.S.C. § 103(a) rejection statement. It is therefore assumed that the 35 U.S.C. § 103(a) rejection is actually directed to claims 1-7, 9-16 and 18-20, and this Amendment will address the rejection as such.

In response to Applicants' arguments presented in their Amendment dated October 18, 2007, the Examiner states that the "upload trigger" as recited in independent claims 1, 11 and 20 is broadly claimed and will be broadly interpreted. The Examiner asserts that support cannot be found in Applicants' specification as filed for the upload trigger being a filter of the type of wireless network information that will ultimately be transmitted to the service provider. The

Examiner further asserts that Applicants' specification provides that the term "upload trigger" *only* indicates that data should be uploaded to the service provider; not the type of information that should be transmitted.

Applicants respectfully disagree, and submit that the definition of this term may be gleaned from the application as a whole as filed. It is submitted that there is no requirement that the subject matter of a claim be described verbatim in the specification. For example, the Examiner's attention is directed to Fig. 2 of Applicants' specification and the corresponding text. The telematics unit 220 includes memory components for storing data and programs in a database 228 (see page 11, lines 21-24). The database 228 includes one or more programs 231 for operating the telematics unit 220 such as, e.g., managing a wireless network information *collection* (see page 12, lines 2-4). This collection includes, e.g., stored data 232, updated data 233, and a plurality of stored *triggers* 234 (see Fig. 2 and page 13, lines 17-18).

With reference to page 13, lines 20-23, a wireless network information upload trigger is detected by "receiving a wireless network information request and processing the wireless network information request to *identify* the wireless network information upload trigger" (emphasis added). Thus, the telematics unit 220 receives a request for wireless network information and processes the request *only if* a trigger is *identified* from the plurality of stored triggers 234. In other words, the telematics unit 220 will process the request only if the upload trigger *exists* (i.e., the requested information has a corresponding trigger that is one of the triggers stored at triggers 234 in the database 228). In an example, if the upload trigger for the specific wireless network information requested does *not* exist (i.e., does not have a trigger stored in the plurality of triggers 234), the request will not be processed. To further clarify this point, claims 1, 11 and 20 have been amended to recite, in some form, "...detecting a wireless network information upload trigger *from a plurality of stored triggers*...", wherein the wireless information upload trigger is detected by receiving a wireless network information request and processing the wireless network information request to *identify* the wireless network information upload trigger" (emphasis added). Claims 9 and 18 have been canceled herein in accordance with the amendment to claims 1 and 11, respectively.

In the Final Office Action, the Examiner asserts that Dutta discloses transmitting information from a client device to a service provider (i.e., a backup server) in response to an

upload trigger (i.e., a data backup **request**) (citing paragraph [0054]). The Examiner concludes that Dutta teaches an upload trigger.

In light of the explanation provided above and the amendment to claims 1, 11 and 20, Applicants submit that Dutta does **not** teach detecting a wireless network information **upload trigger** from a plurality of stored triggers, wherein detecting is accomplished by receiving a wireless network information request and processing the wireless network information request to **identify** the wireless network information upload trigger, as recited in these claims. Dutta teaches that data (e.g., calendar dates, phone numbers, etc.) is transmitted to the backup server at predetermined intervals or when notified that a user has powered on a wireless device. Specifically, the data backup server pushes a command to the wireless device instructing the wireless device to upload the data. The backup server stores the data along with an indication of ownership and then may provide the data to the owner when requested. (See paragraphs [0031] and [0054] of Dutta.) In sharp contrast to claims 1, 11 and 20, Dutta does **not** disclose that the backup server requests a specific piece of data (e.g., just phone numbers); Dutta discloses that data (i.e., everything stored in the personal device) is requested by the backup server. As such, Dutta would **not** (and in fact, does **not**) teach that the request is processed if a specific piece of data is **identified** from all of the data on the personal device. In fact, Dutta discloses that all of the data is transmitted regardless of whether some or all of the data exists in the wireless personal device.

Assuming *arguendo* that the data backup request is construed to be the same as the upload trigger recited in claims 1, 11 and 20 (as asserted by the Examiner), Applicants submit that Dutta still fails to teach that the data backup request is one of a plurality of stored requests and that the request is detected by receiving a request for the data and identifying the data backup request from the plurality of requests. Instead, as provided above, Dutta teaches that the backup server requests data periodically or whenever the wireless device is powered on by the user. The data is then stored at the backup server until the user requests it. (See paragraph [0031].)

Further, in response to Applicants' argument that *automatically* transmitting the data at predetermined intervals or *notifying* the backup server that a user has powered on the wireless device (as taught by Dutta) are **not** the same as *detecting* the data by the backup server and *initiating* a wireless network information transmission in response to the detected data, the Examiner states that such limitations are not recited in the claims. Applicants direct the

Examiner's attention to claims 1, 11 and 20, which recite, in some form, "communicating the generated wireless network information to a service provider by detecting a wireless network information upload trigger and initiating a wireless network information transmission to the service provider responsive to the detected wireless network information upload trigger" (emphasis added). Applicants submit that these limitations are clearly recited in these claims. As such, Applicants reiterate their argument presented in the Amendment dated October 17, 2007.

For all of the reasons provided above, it is submitted that Applicants' invention as defined in claims 1, 11 and 20 is not anticipated, taught, or rendered obvious by McDonnell, Fuchs, and Dutta, either alone or in combination, and patentably defines over the art of record.

In summary, claims 1-7, 10-16 and 19-20 remain in the application, and claims 9 and 18 are canceled herein. It is submitted that, through this Amendment, Applicants' invention as set forth in these claims is now in a condition suitable for allowance. Should the Examiner believe otherwise, it is submitted that the claims as amended qualify for entry as placing the application in better form for appeal.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

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